

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 21, 2001
Tuesday, 9:09 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Luis Mendez, Fairview Christian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of August 14, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE CITATION Distinguished Service Citations were presented.

PROCLAMATIONS Proclamations previously approved were presented.

RECOGNITION Carole Fousse, student from Orleans, France, was recognized.

NEW BUSINESS

PAVE ALLEY **PETITION TO PAVE THE NORTH-SOUTH ALLEY FROM MURDOCK TO 8TH STREET, BETWEEN MARKET AND BROADWAY.** (District VI)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-0944.

The signatures on the Petition represent 5 of 6 (83.3%) resident owners and 81.2% of the improvement district area. The project was discussed by the District VI Advisory Board on August 6, 2001.

The alley is an unimproved sand road that provides access to a mixed-use area.

The project budget contained in the Petition is \$77,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.66 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Fearey moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.
-- carried

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RESOLUTION NO. 01-344

Resolution of findings of advisability and Resolution authorizing improving of the alley from the north line of Murdock to the south line of 8th street North between Market and Broadway, 472-83414, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE STREET

PETITION TO PAVE 135TH STREET WEST, ½ MILE NORTH OF KELLOGG TO MAPLE. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0945.

The area surrounding the City's new Auburn Hills Golf Course is being privately developed as a residential community. A part of the platting requirements was the paving of 135th Street West, south of Maple, which bisects the development. Since 1994, four Petitions have been submitted which collectively provided the authority for the project. At Staff's request, the developer has submitted a new Petition, which updates the improvement district to delete areas now part of the golf course property and to reflect recent platting activity. The signature on the Petition represents 62.74% of the improvement district. The assessments to the non-signing properties will not be higher than those set by the previous Petitions.

135th Street West has been paved as a two-lane road south of Maple. It provides access to adjacent residential and commercial development and the golf course clubhouse.

The Petition totals \$813,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Martz moved that Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-345

Resolution of findings of advisability and Resolution authorizing improving of 135th Street West, from a point ½ mile north of U.S. Highway 54, north to Maple, 472-83062, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

HOMEOWNERSHIP

HOMEOWNERSHIP 80 PROGRAM REVISION OF BOUNDARIES.

Roy Johnson

Housing Services Director reviewed the Item.

Agenda Report No. 01-0946.

The City of Wichita's HOMEownership 80 program was established in 1992 to assist low-income citizens (80 % of median income) with the purchase of their first home. The program is funded through the City's annual grant from the Home Investment Partnerships Program (HOME Program). First-time homebuyers receive financial assistance in the form of zero-interest deferred loans for down payments, closing costs, and minor repairs/rehabilitation. In 1998, the City Council voted to restrict HOME funds,

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thus limiting the availability of the HOMEownership 80 program to the City's 5 Local Investment Areas (LIA). A Program boundary change is being proposed.

The proposed change in the program will expand the target area to include the Redevelopment Incentives Area, as well as non-profit project sites funded with HOME funds, and activities and properties included in the Public Housing Homeownership Program. The proposed new target area for these incentives is Pawnee Avenue on the south; Hillside on the east; 25th Street on the north; and I-235 on the west. (The Redevelopment Incentives area is depicted on the map.) The program would continue to be offered within the City's Local Investment Areas.

The proposed change is also part of an effort to increase program utilization in connection with the purchase of existing housing stock within the City's older neighborhoods. In recent months, the program has experienced declining activity, due in part to an insufficient supply of desirable existing single-family homes that are available for sale in the LIA's. Between July 1, 2000 and June 30, 2001, only 14 families were assisted with the purchase of an existing home through the HOMEownership 80 program. (This includes the time during which the program was aggressively marketed through the City's "Heart of Wichita" campaign.) Eleven homes were purchased in the Northeast LIA; two homes were purchased in the North Central LIA; and one home was purchased in the Hilltop LIA. There were no existing homes purchased in the Planeview or Orchard Breeze Local Investment Areas. Restriction to the LIA's is having a detrimental impact in creating homeowners due to limited availability of homes and condition of homes in these areas.

The proposed change in the boundary target area for the HOMEownership 80 program was recommended by the City's Development Coordinating Committee (DCC), and was endorsed by the lender subcommittee of the Housing Advisory Board. Local real estate professionals, as well as the mortgage lending community, have also expressed support for the proposed change.

Housing Services is also requesting approval for an increase in the purchase price limit for existing homes purchased with HOMEownership 80 assistance. This would result in an increase from \$70,000 to \$81,600, which would result in consistency with the purchase price limits currently allowed for newly constructed homes under the New Infill Construction aspect of the Homeownership 80 program.

The proposed changes will not require a substantial amendment to the HUD Consolidated Plan.

There are no financial considerations.

The City Law Department has reviewed the proposal with respect to the Interlocal Agreement with USD 259 and Sedgwick County and has determined that there are no legal issues involved in changing the HOMEownership 80 Program target area. The HOMEownership 80 program is administered in accordance with the applicable federal HOME regulations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that proposed changes to the HOMEownership 80 Program target area be approved and the necessary signatures be authorized. Motion carried 7 to 0.

YOUTH ADVISORY

YOUTH PARTICIPATION ON ADVISORY BOARDS/COMMISSIONS.

Matt Jordan

City Manager's Office reviewed the Item.

Agenda Report No. 01-0947.

In 1999, the City Council evaluated its advisory groups services and initiated restructuring of some of the advisory boards and commissions. The restructuring eliminated some advisory boards/commissions, reassigned duties on others, and established a sunset provision for all existing boards/commissions. Many successes have been accomplished by involving citizens in the decision-making process. Citizen advisory boards/commissions and community coalitions further citizen involvement and serve a number of public purposes, such as: providing community dialogue in the

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planning process; obtaining expertise to address special issues, bringing new viewpoints and providing conflict resolution; providing a channel for feedback to the community; and fulfilling state and federal requirements for citizen involvement. The District Advisory Board concept has increased the effectiveness and value of citizen involvement at the District and neighborhood levels.

An opportunity for youth participation/involvement on select advisory boards/commissions is being proposed. The youth involvement concept is based on the belief that there are significant roles Wichita youth can and should play in the decision-making processes that impact their lives in the community. Active involvement by Wichita youth will be beneficial to supporting actions affecting local youth and important to youth development mobilization within the community. The overriding principle of youth participation in the local governmental structure of advisory boards/commissions is to take advantage of the experience and insight into young people's lives and the community that adults may not have (or may overlook). Youth involvement on City advisory boards/commissions will benefit the City with the addition of underutilized time, talent, ideas, enthusiasm, and creativity to community affairs.

Youth involvement can be obtained in various ways, be it through youth advisory boards, or by being represented on various citizen advisory boards/commissions. A Youth Council already exists and is currently active in Wichita. It is proposed that youth living in Wichita be provided an opportunity to serve on boards and commissions appointed by the City Council, including:

- Park and Recreation Advisory Board
- Sister Cities Area Advisory Board
- Historic Preservation Board
- Wichita Airport Advisory Board
- Art and Design Board
- Alternative Correctional Housing Board
- Arkansas River Advisory Board
- District Advisory Boards

At this time, it is not proposed that minors serve as voting members on autonomous boards or those with statutory powers (e.g. Library Board, MAPC, Electrical/Plumbing or Technical Boards, etc).

Options for Appointments: Youth members could be appointed by the Mayor and/or City Council members as positions become vacant, without ordinance changes; or the City Council may amend the appropriate ordinances to expand the respective Boards/Commissions by adding a designated seat for a youth member. If preferred, the City Council could designate youth representatives as ex-officio non-voting members of boards/commissions which would not require ordinance changes.

Various options are available for selection, including but not limited to, the following:

- 1) The Mayor/City Council could nominate youth (as other nominees are selected) from within their respective districts;
- 2) The Mayor/City Council could work with the various schools within Wichita to obtain nominations of youth representatives from area school administrations;
- 3) Representatives could be nominated by the Wichita Youth Council;
- 4) The Mayor/City Council could make appointments based on written applications of interest from local youth members;
- 5) The City Council could utilize a combination of these alternatives for selection.

Ordinance changes will be required if the City Council wishes to expand the various boards/commissions to specifically add a youth representative (as additional voting members) beyond the established (current) membership composition of the Board/Commission.

No major expense will be incurred with the establishment of youth members to designated advisory boards/commissions.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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- Mayor Knight Mayor Knight suggested that youth appointments start with each District Advisory Board (DAB) having a youth representative; interest could be gauged. Care should be taken with regard to changing ordinances that would affect quorums and other features of volunteers and advisory boards in a way that would have unintended consequences.
- Chris Cherches City Manager stated that, if the City Council is receptive, you could be asked to specify some boards/commissions of interest on which they would like to serve. If the youth indicate some boards of interest, then the City Council could name them as ex-officio members.
- Matt Jordan City Manager's Office said some youth did express interest in transit service.
- An adult mentor will help with transition.
- Council Member Pisciotte Council Member Pisciotte requested that the youth give guidance on the selection and recruitment process, guidelines, and criteria.
- Council Member Martz Council Member Martz said he would start on his District Advisory Board via an ad-hoc position right away. Council Member Martz said he would work with school youth councils.
- Council Member Fearey Council Member Fearey recommended the Youth Advisory Council take time to visit all of the Boards/Commissions to see what does go on at meetings. The youth might realize an interest they have not formerly recognized.
- Motion -- Knight moved that the City Council consider adding youth to District Advisory Boards; and Staff return to the City Council with recommendations for City Council action. Motion carried 7 to 0.
-- carried

CITY COUNCIL AGENDA

CSBG REVIEW

CSBG REVIEW COMMITTEE APPOINTMENTS.

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 01-0948.

The City of Wichita receives federal Community Services Block Grant (CSBG) funds to provide services to low-income persons. Federal law governing the use of these funds mandates the existence of a board to participate in the development, planning, implementation, and evaluation of the CSBG program.

When the City Council restructured advisory boards and commissions in December of 1999, it created the CSBG Review Committee to provide citizen review of the CSBG program in accordance with federal mandates. At its June 17, 2001, meeting the Council approved revisions to the ordinance governing the CSBG Review Committee and increased the Committee's membership to twelve members with established terms and term limits for all Committee members.

Resignations by two Committee members and the increase in the Committee's membership have left three vacancies on the CSBG Review Committee. In accordance with the revised ordinance governing the CSBG Review Committee, City Council members have provided nominations for vacancies occurring in their districts by sector of representation. These nominations include:

<u>Nominations</u>	<u>Sector of Representation</u>	<u>Council Member Nominating</u>
Donnah Taylor	Low Income	Bill Gale
Martha Bruce Fair	Community-Education	Joe Pisciotte
David Pendergraft	Public	Sharon Fearey

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The nominations for Committee membership were made in conformance with the appropriate controlling City Ordinance and federal mandates.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Gale appointed Donna Taylor; Pisciotte appointed Martha Bruce Fair; Fearey appointed David Pendergraft; and Knight moved that the appointments be approved. Motion carried 7 to 0.

NAMING FACILITIES APPOINTMENT OF PUBLIC FACILITIES NAMING COMMITTEE.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0949.

The City has received several requests for naming City-owned parks/facilities. The City's policy to name public facilities is to establish a Naming Committee to review proposed and possible names and to submit a naming recommendation to the City Council.

The policy of the City (Policy #13) is to appoint a Mayor's Advisory Committee comprised of nominees from each City Council District. The policy provides that each Council member nominate one person to serve on the Committee. Nominations are expected to be in writing and include reasons for the proposed naming. It is anticipated that the proposed name involving a Park facility will be reviewed by the Park Advisory Board prior to placement before the City Council.

1. The Charles Doughty, Jr. Tennis Foundation has submitted a petition to name the McAdams' Park Tennis facility located in McAdams Park after Charles "Goose" Doughty, Jr.

2. Residents in the North River Bend Home Owners Association have requested that the proposed new park (25th and Wellington Place) be named in remembrance of Pat "Chata" Garcia.

3. A proposal has also been received to name a facility after a prominent resident of the City. (A request is has been made that information not to be disclosed prior to the meeting of the Committee).

There are no financial considerations, other than the expense of making and placing the sign(s).

Council Policy establishes the procedure for naming public facilities.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Pisciotte moved that a Mayor's Advisory Committee be appointed (Council Members to give names to City Manager) to consider the proposed naming of City-owned park or facilities. Motion carried 7 to 0.

TRAVEL

APPROVAL OF TRAVEL EXPENSES FOR MAYOR KNIGHT TO ATTEND U.S. CONFERENCE OF MAYORS FALL LEADERSHIP MEETING IN SANTA BARBARA, CA, SEPTEMBER 20-22, 2001.

Motion -- carried

Pisciotte moved that the travel expenditures be approved. Motion carried 7 to 0.

APPOINTMENTS

APPOINTMENTS

Motion --

-- carried

Brewer appointed Lorie Lawrence (Public Facilities) and moved that the appointment be approved. Motion carried 7 to 0.

Motion --

-- carried

Gale appointed Jim Benton (DAB IV) and moved that the appointment be approved. Motion carried 7 to 0.

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Motion --
-- carried

Pisciotte appointed Phillip Frick (Sedgwick County Solid Waste Management Committee) and moved that the appointment be approved. Motion carried 7 to 0.

PROCLAMATIONS

PROCLAMATIONS:

--Constitution Week
--Fetal Alcohol Syndrome Awareness Day

Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 20, 2001.

Bids were opened August 17, 2001, pursuant to advertisements published on:

Funston, from the west line of Lot 37, Block 2 to Greenwich Road; Derrick Circle, north of Funston including the cul-de-sac; Justin Circle, north of Funston including the cul-de-sac to serve Smithmoor 10th Addition - south of Harry, west of Greenwich. (472-83396/765688/490799) Does not affect existing traffic. (District II)

Ritchie Paving - \$192,050.25

Lateral 4, Main 3, Northwest Interceptor Sewer to serve West Ridge Estates - south of 29th, east of 119th Street. (468-83103/743880/480568) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$104,446.00

Water distribution system to serve Ridge Port North Third & Fourth Additions - south of 37th, east of Ridge. (448-89503/734991/470661) Does not affect existing traffic. (District V)

Nowak Construction - \$91,357.50

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Rehabilitation of 2625 North Ash, 2641 North Ash, and 2642 North Minnesota. (097805)

S&A Construction Inc. - \$118,950.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replacement of Chain Link Fencing, Gates, and Installation of Concrete Mow Strips. (097805)

Barkley Construction - \$36,575.00 (Group 1/total net bid)

American Construction - \$33,600.00 (Group 2/total net bid)

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PARK & RECREATION DEPARTMENT/ADMINISTRATION DIVISION: Ancillary Park Equipment. (785020)

BSN Sports - \$1,132.24 (Group 2/item 3/total net bid)

Fry & Associates Inc. - \$9,340.50 (Group 4/item 5/total net bid)
\$1,407.00 (Group 5/item 6/total net bid)
\$1,440.00 (Group 6/item 7/total net bid)
\$1,100.00 (Group 7/item 8/total net bid)
\$5,557.50 (Group 8/item 9/total net bid)
\$3,071.25* (Group 9/item 10/total net bid)

*Corrected total

BSN Sports - \$818.88 (Group 10/item 2/total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Northwest Sewage Treatment Plant No 3, Phase 3 Improvements. (624057)

Dondlinger & Sons - \$12,584,895.00 (Total base bid)
\$ 22,000.00 (Add alternative B)
\$ 6,000.00 (Add alternative D)
\$ 4,700.00 (Add alternative F)

WATER & SEWER DEPARTMENT/ENGINEERING DIVISION: Equipment Purchase for Factory Built Recessed Wet Well Mounted Pump Station. (624503 & 624067)

HFE Process, Inc. - \$31,997.00 (Group 1/total net bid)
\$36,185.00 (Group 2/total net bid)

FINANCE DEPARTMENT/INFORMATION TECHNOLOGY DIVISION: Local Area Network Project. (791186)

MSN Communications - \$374,786.00 (Total group 1)
<\$ 58,750.00> (Option 1 <deduct>)
\$316,036.00 (Total net bid)
\$ 4,142.00 (Add option patch panel)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: One Ton Polypatch Applicator and Auto Loader for Melter. (132225)

Paving Maintenance Supply, Inc. - \$57,188.00 (Group 1/total net bid)
\$21,555.00 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage Improvements at Clara and Newel; and 832 South Bleckley. (660469)

Wildcat Construction Co., Inc. - \$26,770.00* (Group 2/total net bid)
*Redirect award on Group 2 which was awarded on 8/14/01.

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
Chris Salove	Osco Drug Store #5111	2323 North Amidon

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Chris Salove	Osco Drug Store #5114	8700 West Central
Chris Salove	Osco Drug Store #5132	2501 South Seneca
Chris Salove	Osco Drug Store #5133	3333 East Central
Chris Salove	Osco Drug Store #5135	4035 East Harry
Chris Salove	Osco Drug Store #5147	8131 East Kellogg
Chris Salove	Osco Drug Store #5148	601 North West Street
Chris Salove	Osco Drug Store #5163	2020 North Woodlawn
John G. Wylie	Wyl-Mac Corporation	801 South Oliver
	dba Hello CCS #116	

<u>Special Event</u>	<u>September 22, 2001</u>	
Jennifer Collins	Beyond Chili - The Taste of Autumn	617 William

Motion -- Knight moved that the licenses be approved, subject to Staff review and approval. Motion carried
-- carried 7 to 0.

PLANS AND SPECS. PLANS AND SPECIFICATIONS.

a) Lincoln Bridge at Fabrique - Lincoln between Oliver and Woodlawn. (87 N-0141-01/472-83044/448-89348/468-83079/715685/636077/620280) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date.

Motion -- Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to
-- carried the Board of Bids by 10:00 a.m., September 25, 2001. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) Lateral 7, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 11th Addition - north of Kellogg, east of 151st Street West. (468-83296/743879/480567) Does not affect existing traffic. (District V) - \$71,000

b) Water distribution system to serve Auburn Hills 11th Addition - north of Kellogg, east of 151st Street West. (448-89600/735021/470691) Does not affect existing traffic. (District V) - \$44,000

c) 33rd Street North from the east line of Coolidge to the east line of Porter North to serve Pleasant Valley Addition, Riverdale Addition, and Unplatted Tracts - east of Amidon, north of 29th Street North. (472-83199/765625/490736) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$167,040

d) Porter, from the north line of 33rd Street North to the south line of 34th Street North to serve Riverwalk, Amberg, Kutilek, Fellers, and other Additions - east of Amidon, north of 29th Street North. (472-83302/765661/490772) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$55,640

e) 30 inch water supply line in 21st Street North: 143rd East to 159th East - 21st Street North from 143rd East to 159th East. (448-89599/633730/750001) Traffic to be maintained during construction using flagpersons and barricades. (District County) - \$581,990

f) 24 inch water supply line in 159th Street East from 21st Street North south 1/2 mile - 159th Street East from 21st Street North south 1/2 mile. (448-89599/633732/750003) Traffic to be maintained during construction using flagpersons and barricades. (District County) - \$294,880

g) 16 inch water supply line in 21st Street North from 159th Street East to 1100 ft. east of 159th - 21st Street North east of 159th Street East. (448-89599/633731/750002) Traffic to be maintained during construction using flagpersons and barricades. (District County) - \$101,910

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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EASEMENTS

DEEDS AND EASEMENTS:

- a) Drainage Easement dated July 10, 2001 from Mel Hambelton Real Estate, L.L.C., a Kansas Limited Liability Company, for a tract of land located in Lot 6, Block A, Mel Hambelton Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA#607861). No cost to City.
- b) Sanitary Sewer Easement dated August 6, 2001, from the Board of Park Commissioners for a tract of land located in the Southeast Quarter of Section 2, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Sanitary Sewer NW of 31st S. & Oliver, OCA# 622230). No cost to City.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 01-0966.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

- 1. Victory In the Valley East vs. West Run
Sunday, September 2, 2001 - 5:00 p.m.- 8:00 p.m.
 - First Street from Rock Island to Emporia
 - Second Street from Rock Island to St. Francis
 - St. Francis from Second to Third Streets
 - Third Street from St. Francis to Emporia
- 2. 23rd Annual Wichita Half Marathon
Sunday, September 23, 2001 – 7:00 a.m. – 11:00 a.m.
 - Sim Park Drive from Seneca to Cowtown
 - Remainder of race course will be on the bike paths

(Race organizers are working with Public Works regarding any conflicts with construction in the area.)

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

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FLAT CREEK

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING – FLAT CREEK ADDITION, EAST OF 119TH STREET WEST, NORTH OF PAWNEE.

(District V)

Agenda Report No. 01-0950.

The City Council approved the project on June 5, 2001. On July 17, 2001, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Flat Creek Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$90,800 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

POLICE

HANGAR LEASE AGREEMENT - POLICE DEPARTMENT.

Agenda Report No. 01-0951.

The Police Department has four staff personnel (including three commissioned positions) assigned to its air unit and currently budgets for 1,000 flight hours annually. Air operations have been based from a site located at 1601 S. McLean Blvd since the inception in 1970. The McLean site was initially designed for one small helicopter; currently the Police Department operates two helicopters from the facility.

The McLean facility presents several challenges for the Department. The facility is too small to efficiently house two operational helicopters. The fueling system at the McLean facility (aging underground tank) is currently inoperable. The site is located in a congested residential/business area of the City requiring pilots to negotiate electrical lines, light poles, and other urban hazards for take-off and landing.

City staff evaluated other potential sites at the City's airports; A favorable lease with Ballard Aviation at Mid-Continent Airport has been negotiated. The Ballard - Eagle-Med facility is located at 6601 W. Pueblo Drive on the north end of Mid-Continent Airport. The facility is new with ample hangar space to store the department's two helicopters. The Ballard site contains a furnished office space and is tower controlled for safer take off and landing procedures. Earlier this year the City Council approved a contract for helicopter maintenance with Ballard Aviation.

The negotiated lease rate of the Ballard facility is \$1,000 per month. This cost pays for the inside storage and access of the department's two helicopters, and furnished office space. With the move from the McLean facility, savings from utilities and building supplies will be realized. These savings, coupled with savings from the privatization of the maintenance function, will allow the Ballard lease to be funded from within the 2001 Revised budget for the Police Department.

The lease contract will be approved in form by the Law Department.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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PROJECT ACCESS

PROJECT ACCESS CONTRACT.

Agenda Report No. 01-0952.

On June 1, 1999, Dr. Paul Uhlig and Dr. Michael Bates made a presentation to the Wichita City Council on Project Access, a program that links physicians, social service agencies, hospitals, clinics, and area pharmacies to address the needs of uninsured low-income residents. The Project received funding commitments from the United Way and Sedgwick County, and a similar request was made of the City. A contract between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) was developed and approved by the Council at its September 28, 1999 meeting.

At its September 12, 2000 meeting the Council approved renewal of the original contract through August 31, 2001. A new contract, with the same terms and conditions of the original contract, but with a contract period running from September 1, 2001 through August 31, 2001, has been developed and is being brought before the Council.

The City of Wichita receives federal Community Services Block Grant (CSBG) funds for services to low-income persons. The Project Access contract allows the use of up to \$250,000 in CSBG funds during the contract period for physician-authorized medications and durable medical supplies.

The total budget for the contract is \$250,000. CSBG funds will be used to pay contract costs and the contract obligates no general fund monies.

A contract has been negotiated with the YWCA and signed by the authorized representative.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

YMCA

CDBG CONTRACT – YWCA WOMEN’S CRISIS CENTER.

Agenda Report No. 01-0953.

On March 20, 2001, the City Council allocated Community Development Block Grant (CDBG) funds for the 2001/2002 program year. Included in the 2001/2002 CDBG allocations were funds for women’s shelter services. Women’s shelter services were procured through a competitive Request for Proposal (RFP).

The contract with the YWCA provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2001 and ending June 30, 2002.

The contract amount is \$170,000 and is funded in the approved 2001/2002 CDBG budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

SUPPLEMENTAL AGREEMENT - INTERSECTION OF CENTRAL AND ROCK ROAD. (District II)

Agenda Report No. 01-0954.

On January 12, 1999, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to the intersection of Central and Rock Road. The fee was \$80,000.

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Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. MKEC has been asked to convert the plans to metric in order to conform to KDOT Standard requirement. Supplemental Agreement No. 1 has been prepared.

Payment to MKEC for the Supplemental Agreement will be made on a lump sum basis of \$15,200, and will be paid by General Obligations Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HAYS CO. IRB

HAYES COMPANY INDUSTRIAL REVENUE BOND PROPERTIES RECONVEYANCE.

Agenda Report No. 01-0955.

On August 15, 1995, June 4, 1996, and May 12, 1998, the Wichita City Council approved the issuance of a total of approximately \$6.7 million in Industrial Revenue Bonds, to The Hayes Company, Inc., Series VI, 1995, Series VI, 1996 and Series VIII, 1998. Bond proceeds were used to construct a manufacturing facility and to purchase machinery equipment located at 800 East 37th Street North. The Bonds are secured, in part, by a Lease Agreement with The Hayes Company, Inc. ("Tenant").

Under the provisions of the Lease Agreement the Tenant, if not in default, has the option to purchase the facility from the City of Wichita for the sum of \$3,000, plus all amounts required to provide for redemption and payment of the principal, interest and premium on all outstanding bonds, together with the Trustee's fees and costs of redemption. The Series VIII, 1998 Bonds have previously been called and redeemed, or (in the case of those held by the Tenant) surrendered to the Trustee for cancellation. The City has received notice of the Tenant's request to call the outstanding Series VI, 1995 and Series VI, 1996 Bonds on September 1, 2001, and has also received notice of the Tenant's intention to defease the Bonds and exercise its purchase option on or about August 23, 2001.

Under the terms of the Lease, the City would be required to convey the property securing the IRB issue to the Tenant, if the Tenant cured all defaults and paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds. It is not possible for the Tenant to meet the precise conditions for exercise of its option, due to some non-payment defaults that are inherently incurable. However, to accommodate the Tenant's plans for release of the property and relocation to a new facility, the City has suggested that the Tenant to enter into an Indemnification Agreement, secured by a letter of credit, which will address the risks the City and/or Bondholders might otherwise face as a result of the uncured defaults. The outstanding 1995 and 1996 Bonds will be finally paid on September 1, 2001, but will be defeased by cash escrow before the City's deed is delivered.

The purchase price is \$3,000 and other considerations as listed under the provision of the Lease Agreement and the Indemnification Agreement. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, and the closing of the reconveyance will also be conditioned upon prior or concurrent delivery by the Tenant of the executed Indemnification Agreement, secured by the required letter of credit.

It is appropriate for the City to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease, Resolution and Indemnity Agreement have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Special Warranty Deed, Bill of Sale, Indemnity Agreement, Cancellation, Discharge and Release of Indenture, Termination of UCC Financing Statements and Termination of Lease Agreement, and the delivery of such documents following satisfaction of applicable conditions.

Motion --
-- carried

Knight moved that the documents be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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RESOLUTION NO. 01-346

A Resolution of the City of Wichita, Kansas, authorizing the early redemption of certain of the City's outstanding industrial revenue bonds, recognizing the intent of the Hays Company, Inc., as tenant, to exercise its options to purchase and authorizing the City to convey title to the project; authorizing execution of a termination and release of a certain lease and easement, a cancellation, discharge and termination of a certain indenture, an indemnification agreement, and the termination of the financing statements; and authorizing the execution of all such other documents necessary to convey title in the project to the Hayes Company, Inc., presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SECTION 8

APPLICATION FOR SECTION 8 VOUCHERS.

AGENDA REPORT No. 01-0956.

On July 11, 2001, the Department of Housing and Urban Development (HUD) issued a notice of Funding Availability for approximately \$11.5 million in budget authority for Section 8 housing choice vouchers for the Family Unification Program. This funding will provide approximately 2,000 vouchers to (1) promote family unification by providing housing choice vouchers to families for whom the lack of adequate housing is a primary factor in the separation, or the threat of imminent separation, of children from their families, and (2) to provide housing choice vouchers to youths 18 to 21 years old who left foster care at age 16 or older and lack adequate housing.

The Housing Services Department has prepared an application for 100 vouchers for eligible Wichita families or youths. Because of the short time allowed for preparation and submittal of the grant, as well as the requirement that SRS be involved in substantiating the need and developing the application, it was submitted without prior council approval in order to meet the submission deadline. The Wichita Housing Authority first implemented the Family Unification Program in 1998. In order to receive a voucher under this program, a family must be certified by SRS or its contractor as needing housing assistance to regain custody of children or to be in need of housing to keep the family together. Since that time approximately 300 families have received housing assistance.

SRS is required to be an integral part of the application, submitting data on the needs, and entering into a Memorandum of Understanding with the Housing Authority to certify eligibility and provide follow-up services to the families or youths that receive vouchers.

The NOFA specifies that the maximum number of vouchers for which a housing authority may apply is 100, and this application is for that number. Allocation of the available vouchers will be determined by lottery among the housing authorities submitting acceptable applications.

If the housing authority receives 100 vouchers, the additional vouchers will produce approximately \$489,000 in HAP payments annually. The Housing Authority will also earn annual Administrative Fees of approximately \$48,000.

Motion --
-- carried

Knight moved that receipt of grant funds for 100 vouchers under the Fiscal Year 2001 NOFA for the Family Unification Program be authorized. Motion carried 7 to 0.

HARDSHIP DEF.

RELEASE OF HARDSHIP DEFERRAL AND AGRICULTURAL DEFERRAL LIENS.

Agenda Report No. 01-0957.

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

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Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be paid or put back on the tax roll.

One of the assessments has been paid and four have been put on the tax roll for 15 years beginning 2001.

There is no cost to the City of Wichita.

Motion --
-- carried

Knight moved that the Releases be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER

REPLACEMENT OF CONCRETE TOPS - RAW WATER PIPELINES.

Agenda Report No. 01-0958.

The City has fifty-five (55) water supply wells in the Equus Beds Wellfield. There are two water lines that transport the water to the Water Treatment Plant. The lines were constructed forty-five years ago.

In order for the raw water pipeline system to function properly, there must be other appurtenances on the pipeline, including line valves, air release valves, and vacuum breaker. Most of these structures are housed in concrete vaults. Because of their age, there are now twenty of these structures where the concrete top of the vault has deteriorated to the point that it needs to be repaired. The project is complicated enough that a contractor is required to remove and repair the damaged concrete tops.

The cost to complete the repairs is estimated to be \$213,000. Funding is available in CIP W-813, Concrete Tops on 48" and 66" Raw Water Lines, that has an allocation of \$215,000.

The City's Administrative Regulations require that projects with costs in excess of \$10,000 be approved by the City Council.

Motion --
-- carried

Knight moved that the project be authorized; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-347

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$215,000 exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

EQUUS BEDS METERS WATER METERS - EQUUS BEDS RECHARGE PROJECT.

Agenda Report No. 01-0959.

On October 3, 2000, the City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply (ILWS) Plan. Cost-effective water resources that will be adequate to meet Wichita's water needs to the year 2050 were identified in the plan. A key component of the plan is the use of Little Arkansas River water to recharge the Equus Beds Wellfield.

The recharge project will be the first Aquifer Storage and Recovery (ASR) project in Kansas. The state, with input from Staff, has developed new regulations to monitor and administrate ASR projects. The regulations require that the ASR project "balance" all of the water entering and leaving the ASR project area. To do that, all water usage from the project area must be monitored. All of the City's existing water supply wells are currently metered, but many of the irrigation wells in the project area are not.

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The ASR project area covers approximately 156 square miles. Within that area there are a total of 404 irrigation wells, with 171 of those currently metered, while 233 (58%) of them are not metered.

Some of the Groundwater Management Districts (GMDs) in the state require all water users to install water meters, but the Equus Beds GMD only requires water users to install meters if they make any change to their water right, such as a relocating a well, changing the place of use, or use made of the water. The Board of Directors of the GMD has stated they are willing to consider requiring all irrigation wells in the ASR project area to be metered, but they are concerned about the financial hardship that this would cause existing users. Staff believes it is important that the City's efforts to improve our water supply should be done in a manner that reduces negative impacts on other water users. Therefore, Staff recommends that the City fund the cost of new water meters for the unmetered irrigation wells.

It is estimated that each new meter will cost \$630 with an installation cost of \$250 per meter. The cost to supply and install new water meters in the ASR project area is estimated to be \$205,040. Funding is included in CIP W-549, Water Supply Plan, which has \$6,555,000 allocated for 2001.

Motion --
-- carried

Knight moved that supply of meters and payment of installation fee be authorized. Motion carried 7 to 0.

TIF

REVISED RESOLUTION CONSIDERING ESTABLISHMENT OF A TAX INCREMENT FINANCING REDEVELOPMENT DISTRICT, CENTRAL AND HILLSIDE AREA.
(Districts I and II)

Agenda Report No. 01-0960.

On August 14, 2001, the City Council adopted a resolution stating its intent to consider the establishment of a redevelopment district in the vicinity of the intersection of Central and Hillside Avenues. The resolution set 10:00 a.m. on September 18, 2001 as the time for a public hearing on the matter and directed the City Clerk to publish the resolution and mail copies to owners and occupants of property located within the proposed district, and to the Board of County Commissioner and the Board of Education for U.S.D. 259. A map of the district and a summary plan for its redevelopment were included as exhibits to the resolution. Subsequent consultation with the private developers informed City staff that the boundary shown on the map is incorrect. A substitute resolution, map and plan is hereby submitted to correct this error.

The principal developer of the Central and Hillside commercial development project, Star Properties L.L.C., owns all property between Hillside and Rutan and between Central and Third Street. In addition, Star Properties owns a 50-foot wide strip of property fronting on the south side of Third Street between Hillside and Rutan. This strip of land will also be included in the commercial development, provided the City agrees to vacate Third Street between Hillside and Rutan. Vacation of Third Street is included in the Planned Unit Development proposal that is pending before the MAPC.

There is no financial consideration of changing the proposed district boundary.

Changing the proposed district boundary as requested will not prejudice the City Council's prerogative to approve or deny the vacation of Third Street.

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Motion --
-- carried

Knight moved that the Resolution establishing a public hearing for September 25, 2001, at 9:00 a.m. be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-349

A Resolution stating the City is considering the establishment of a redevelopment district for the Central and Hillside Redevelopment District under authority of K.S.A. 12-1770 et seq, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 14, 2001)

- a) ZON2000-12 - Northeast corner of 21st Street North and Hoover Road. (District V)

ORDINANCE NO. 45- 036

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-12

- b) ZON2001-29 - Southwest corner of 45th Street North and Oliver. (District I)

ORDINANCE NO. 45- 037

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-29

- c) ZON2001-00038 – Southeast corner of Edgemont and Rutan. (District I)

ORDINANCE NO. 45- 038

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-38

- d) ZON2001-00041 – South of Douglas on the west side of Ridge Road – 109 South Ridge Road. (District V)

ORDINANCE NO. 45- 039

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-41

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- e) Charter Ordinance - Housing Authority Board.

CHARTER ORDINANCE NO. 189

A Charter Ordinance exempting the City of Wichita, Kansas from the provisions of K.S.A. 17-2341, and providing substitute and additional provisions on the same subject pertaining to the establishment of the Housing Authority Board of the City of Wichita, Kansas, and establishing the membership thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 25, 26, and 28 could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- Knight moved that Planning Agenda Items 25, 26, and 28 be approved as consensus Items. Motion -- carried 7 to 0.

SUB2000-120

SUB2000-120 – PLAT OF PREMIER ADDITION LOCATED NORTH OF KELLOGG, ON THE WEST SIDE OF GREENWICH ROAD. (District II)

Agenda Report No. 01-0961.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned LC, Limited Commercial. City water is available to serve the site. A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted. To provide shared access between the lots, a joint access easement was provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition and joint access easement will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and Plat be approved; the Resolution be adopted; and the necessary -- carried signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-350

A Resolution of findings of advisability and Resolution authorizing , construction of Lateral 23, Main 13, War Industries Sewer, Premier Addition, Project No. 468-83239 (north of Kellogg, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-13

SUB2001-13 – PLAT OF NORTHWEST MAIN PUMP STATION ADDITION LOCATED ON THE SOUTHEAST CORNER OF 135TH STREET WEST AND 21ST STREET NORTH. (District V)

Agenda Report No. 01-0962.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

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Lots 1 and 2 of this plat were approved for a zone change (ZON 2000-46) from SF-5, Single-Family Residential to LC, Limited Commercial. The entire site was approved as a Conditional Use for a wastewater pump station, government service and commercial uses. The site is also subject to a Protective Overlay District (P-O #80) addressing architectural controls, building coverage, signage and lighting.

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A Protective Overlay Certificate was provided identifying the approved Protective Overlay. To provide access to Lot 3, a joint access easement was provided. A drainage and utility easement was also submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenant, Protective Overlay Certificate, joint access, drainage and utility easement, will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the ZON 2000-46 Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds; and the Resolutions be adopted. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 01-351

A Resolution of findings of advisability and Resolution authorizing construction of water distribution system for NW Main Pump Station (east of 135th Street West, south of 21st) 448-89611, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO.01-352

A Resolution of findings of advisability and Resolution authorizing construction of water supply line for NW Main Pump Station (east of 135th Street West, south of 21st) 448-89612, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-353

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 4, Northwest Interceptor Sewer, NW Main Pump Station (east of 135th Street West, south of 21st) 468-83315 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-354

A Resolution of findings of advisability and Resolution authorizing construction of storm water drain 177 NW Main Pump Station (east of 135th Street West, south of 21st) 468-83316 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-355

A Resolution of findings of advisability and Resolution authorizing improving paving 135th Street West from the south line of Lot 2, Block1, north 280 feet, NW Main Pump Station (east of 135th Street West, south of 21st) 472-83418 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (ZON 2000-46)

(Item 27)

CUP2001-00023

DP-135 Amendment #4

CUP2001-00023/DP-135 AMENDMENT #4 – TO PERMIT RENTAL OF VEHICLES, LOCATED SOUTH OF 13TH STREET NORTH, EAST OF OLIVER. (District I)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0963.

Staff Recommendation: Deny.

DAB Recommendation: Deny (9-0).

The applicants have developed a self-service storage warehouse on Parcel 3 of the Lambsdale Community Unit Plan (DP-135) located south of 13th Street and 400 feet east of Oliver. Parcel 3 is zoned “LC” Limited Commercial; permitted uses include automotive service center as permitted in the “LC” district, shopping center, financial institutions, office, personal services, restaurants (except when carry out is the principal business) and auto leasing if approved by the Board of Zoning Appeals. (When the CUP was approved in 1984, auto leasing was a “use exception” requiring BZA consideration. With the current code, “use exceptions” were converted to either Conditional Uses or CUP amendments reviewed by the MAPC.) The applicant is seeking an amendment to DP-135 to permit “vehicle and equipment sales / rental” on Parcel 3 as they would like to rent “U-Haul” moving trucks. There may also be an occasional trailer rented as well.

The perimeter of the site is screened either with storage buildings or fencing. The interior of the site is undeveloped. The applicant would like to create a 30-foot by 30-foot paved pad in the northeast corner on the interior of the site on which to park the vehicles. He would like to offer a total of 6 vehicles for rent. Four of the vehicles would be stored inside the screened compound while two would be located out front for display.

The site has 10 parking spaces located at the front of the development with access to 13th Street. One of the conditions of approval of Amendment #3 was: “Off-street parking shall be required on the basis of 1 space for each 8,000 square feet of floor area in the facility, plus 1 space for each employee but in no case shall the number be less than 12 spaces.” If developed to the degree shown on the 1998 application, 12 parking spaces would be required. Unless the applicant intends to reduce the amount of self-service warehousing for which he is approved, it appears there are not any surplus parking spaces that could be used for display.

Outdoor display in the “LC” district is for merchandise that is for sale within a building may be displayed in areas immediately adjacent to and within 10 feet of the building. No display shall be on public property, no required off-street parking spaces may be used for display and the outdoor display of motor vehicles, rental trailers, rental equipment is not permitted in the “LC district except as may be otherwise authorized under an appropriate section of the code.

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Outdoor storage of merchandise available for sale shall be allowed outside an enclosed building in the "LC" district, subject to the following conditions: the area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise to be screened, the enclosure around the storage area shall be attached to the principal building and not exceed ten percent of the floor area occupied by the principal use unless an amendment specifically allowing up to 20 percent has been approved.

Outdoor vehicle and equipment rental requires a Conditional Use in the "LC" Limited Commercial district and is a permitted use in the "GC" General Commercial, "CBD" Central Business, "LI" Limited Industrial and "GI" General Industrial districts. In the "LC" district outdoor vehicle and equipment rental is subject to the following Supplementary Use Regulations: 1) the site is to be contiguous to a major street, 2) visual screening of areas contiguous to residential zoning districts is to be provided, 3) all parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete and parking barriers are to be installed to prevent vehicle encroachment onto public right-of-way, 4) no string type lighting is permitted and outdoor lighting shall employ cut-off luminaries and shall be mounted at a height not exceeding one-half the distance from the neighboring lot (unless this requirement is waived by the Zoning Administrator), 5) no outdoor speakers and sound amplification systems are permitted, 6) no repair work is to be conducted except within an enclosed building, 7) no body or fender work is permitted, 8) no portable, flashing, moving or off-site signs, streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices are permitted and 9) there shall be no use of elevated platforms for the display of vehicles.

District Advisory Board 1 heard this request on July 16, 2001, and recommended denial. The president of the Ken Mar Neighborhood was in attendance and spoke in opposition indicating the use would not compliment the character of existing neighborhoods and would increase truck traffic in the local area. The MAPC heard the case on July 19, 2001, and recommended approval (9-1) subject to conditions: the rental operator must be the same as the self-storage operator, the maximum number of trucks / trailers offered for rent is to be six each, all trucks / trailer offered for rent must be stored behind the self-storage facilities' buildings or screening walls, display of rental vehicles is prohibited, all maintenance is to be done behind screening walls and signage for the rental vehicles must be on the same sign used for the self-service warehouse. The one vote for denial of the motion was not in opposition to the request, but in opposition to the motion that included the prohibition on the display of the vehicles. No one spoke in opposition.

Amendments to Community Unit Plans (CUP) are presented for City Council consideration only if there is an appeal of the Metropolitan Area Planning Commission's (MAPC) recommendation. In this case, there were two appeals, one by the applicant and one by the Director of Planning. The applicant appealed the conditions of approval recommended by MAPC that are underlined above. The applicant feels that in order for the rental service to be successful, he needs to have one or two of the vehicles displayed in his front parking area for advertising purposes. Staff appealed the case since there were differing recommendations between the DAB and MAPC.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of DAB and Staff to deny be adopted. Motion carried 7 to 0.

-- carried

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AIRPORT AGENDA

AIRPORT

BALLARD AVIATION LEASE AMENDMENT NO. 2.

Agenda Report No. 01-0965.

On June 19, 2001, the City Council approved an amendment to the bond lease agreement with Ballard Aviation, d/b/a EagleMed, which allowed them to provide maintenance of Wichita Police Department helicopters. Prior to that amendment, Ballard Aviation's lease permitted only air charter services to be provided at the facility.

Ballard is now requesting that they be allowed to provide office space and hangar space to house the Wichita Police Department helicopter staff and equipment. This requires another amendment to the bond lease agreement. Furthermore, according to the bond lease agreement, if a portion of the facility is subleased to another entity, approval of the Wichita Airport Authority is required.

There is no financial impact on the Wichita Airport Authority.

Motion --
-- carried

Knight moved that the Sublease Agreement and Amendment No. 2 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 9:50 a.m.

Pat Burnett CMC
City Clerk

WORKSHOP: Riverside Park Improvements